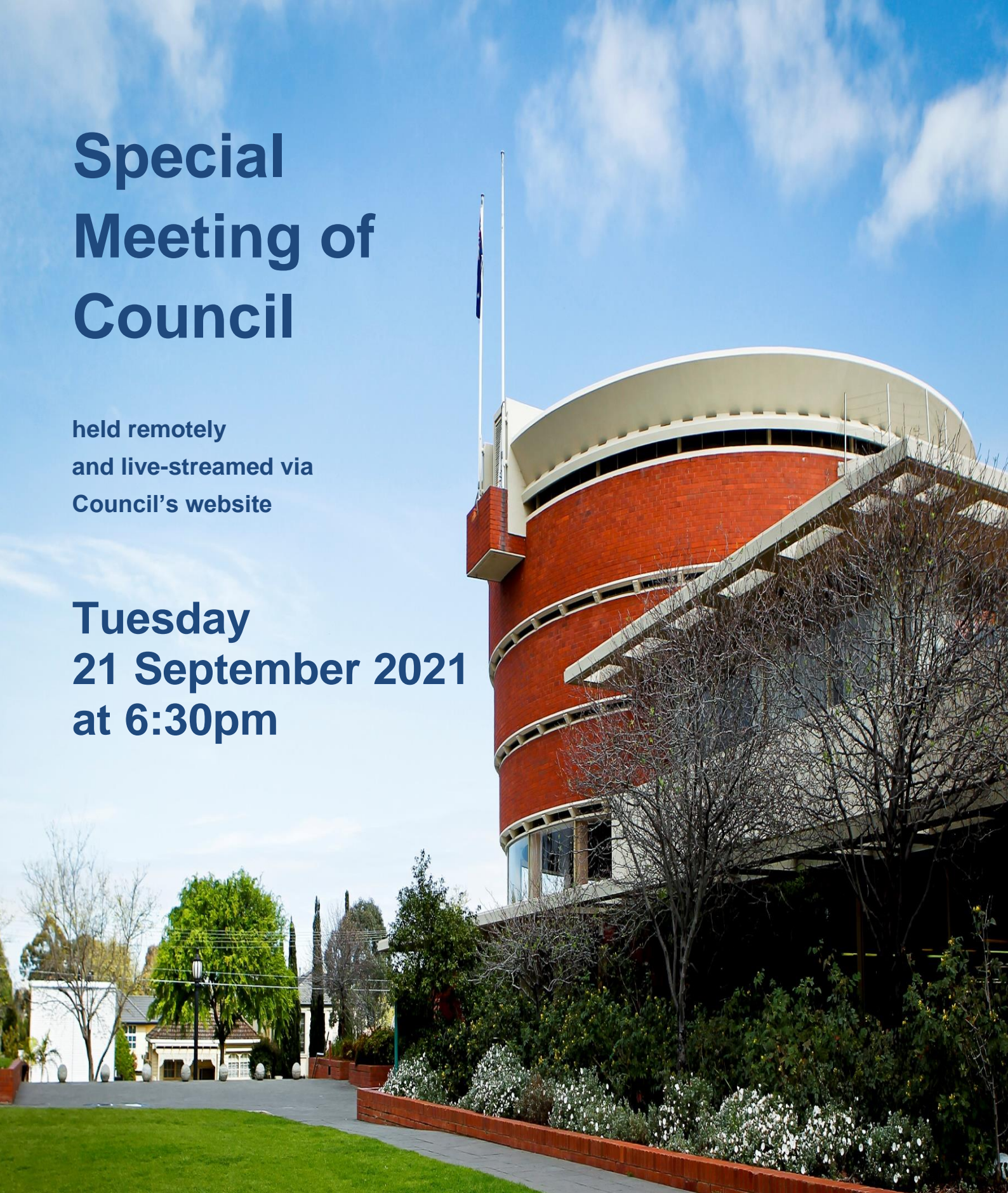


# Special Meeting of Council

held remotely  
and live-streamed via  
Council's website

Tuesday  
21 September 2021  
at 6:30pm



# Minutes

**PRESENT:**

**Chair:** Cr Laurence Evans OAM (Mayor)

**Councillors:** Cr Sonia Castelli (Deputy Mayor)  
Cr Alex del Porto  
Cr Hanna El Mouallem  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stitfold

**Officers:** Mick Cummins – Chief Executive Officer  
Jill Colson – Director Corporate Services  
Bryce Craggs – Director Community and Customer Experience  
Matthew Cripps – Director City Planning and Amenity  
Adam McSwain – Director Environment, Recreation and Infrastructure  
Joan Andrews – Manager Community Services  
Juliana Aya – Acting Manager Sustainability and Transport  
Terry Callant – Manager Governance and Reporting  
Anita Johnstone – Manager City Assets and Presentation  
Bill Shanahan – Manager Finance  
Graham Widger – Manager Project Services

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The Mayor declared the Special Meeting of Council open at 6:30pm and advised that the meeting is being recorded and streamed live on the internet.

## 1. Apologies

There were no apologies submitted to the meeting.

## Prayer

The Mayor invited Cr Samuel-King to read the Prayer.

O God  
Bless this City, Bayside,  
Give us courage, strength and wisdom,  
So that our deliberations,  
May be for the good of all,  
Amen

## Acknowledgement of Original Inhabitants

The Mayor invited Cr Stitfold to read the acknowledgement of the original inhabitants of this land.

- ◆ We acknowledge that the traditional owners and custodians of this land that we call Bayside were the first people of the Kulin nation.
- ◆ They loved this land, they cared for it and considered themselves to be part of it.
- ◆ We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

## 2. Disclosure of any Conflict of Interest of any Councillor

- Cr Sonia Castelli declared a general conflict of interest on item 3.8 – Contract CON/20/80- Dendy Street Beach Redevelopment, given her partner owns a bathing box at Dendy Street Beach.

### Procedural Motion

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Wednesday 22 September 2021 at 6:30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

**CARRIED**

**Procedural Motion****Moved Cr del Porto****Seconded Cr Stitfold**

That Council resolves to consider item 3.8 Contract CON/20/80- Dendy Street Beach Redevelopment listed on the agenda following the consideration of item 3.10

**CARRIED****3. Reports by the Organisation****REQUESTS TO BE HEARD:**

The Mayor noted that temporary changes to the Council meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Committee meeting, members of the public may submit a written statement (maximum of four (4) A4 single pages) which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to a Council Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

The following individuals submitted written statements:

**Item 3.4 Draft Annual Financial Statements for the year ended 30 June 2021**

1. Mr George Reynolds



**3.1 AUDIT AND RISK COMMITTEE ANNUAL REPORT 1 JULY 2020 TO 31 AUGUST 2021**

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/281513

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**Moved: Cr El Muallem**

**Seconded: Cr Castelli (Deputy Mayor)**

That Council:

1. notes the Audit and Risk Committee Annual report for the period 1 July 2020 to 31 August 2021 in accordance with the provisions of the *Local Government Act 2020*
2. publishes the Annual Report of the Audit and Risk Committee on Council's website.

**CARRIED**

### 3.2 ANNUAL REPORT ON OPERATIONS 2020–2021

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/280886

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**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

1. receives the draft Annual Report on Operations for 2020–21, as provided in Attachment 1 to the report
2. authorises the Chief Executive Officer to make immaterial editorial changes to the document as required
3. authorises the Mayor and Chief Executive Officer to sign the Governance and Management Checklist
4. submits the Annual Report on Operations 2020–21 to the Minister for Local Government by 30 September 2021 as required by the *Local Government Act 2020*
5. gives public notice that it has received an Annual Report for 2020–21, and that the report may be viewed on Council's website
6. gives notice and holds a Special Meeting of Council on Tuesday 19 October 2021 at 6:00pm (to be held at the Council Chamber or remotely via electronic media) to consider the Annual Report as required by Sections 18(1)(d) and 100 of the *Local Government Act 2020*.

**CARRIED**

**3.3 PERFORMANCE STATEMENT FOR YEAR ENDING 30 JUNE 2021**

Corporate Services - Governance  
File No: PSF/21/23 – Doc No: DOC/21/274709

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**Moved: Cr del Porto**

**Seconded: Cr El Mouallem**

That Council:

1. adopts the Performance Statement for the financial year ending 30 June 2021 in principle
2. authorises Audit and Risk Committee member, Cr Hanna El Mouallem and the Mayor Cr Laurence Evans to sign the Performance Statement in conjunction with the Chief Executive Officer and Manager Finance.

**CARRIED**



### 3.4 DRAFT ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021

Corporate Services - Finance  
File No: PSF/21/24 – Doc No: DOC/21/281771

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*It is recorded that Mr George Reynolds (on behalf of Bayside Ratepayers' Group – Ratepayers Victoria Inc.) submitted a written statement in relation this item.*

**Moved: Cr El Mouallem**

**Seconded: Cr Samuel-King MBBS**

That Council:

- 1 receives and notes the Financial Report for the financial year ended 30 June 2021
- 2 authorises the Manager Finance to make immaterial adjustments to the Financial Statements if requested by the Victorian Auditor General's office. If material adjustments are requested, the Manager Finance is authorised to make such adjustments and advise Council and the Audit Committee of the effect of these adjustments
- 3 gives 'in-principle' approval of the Financial Report for the financial year ended 30 June 2021 and authorises Cr Hanna El Mouallem and the Mayor, Cr Laurence Evans, to certify the statements on behalf of Council and submit these to the Minister for Local Government.

**CARRIED**

### 3.5 VICTORIAN CHILD SAFE STANDARDS

Community and Customer Experience - Community Services  
File No: PSF/21/32 – Doc No: DOC/21/272915

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**Moved: Cr Martin**

**Seconded: Cr Castelli (Deputy Mayor)**

That Council:

1. adopts the Safeguarding Children and Young People Policy
2. adopts the Safeguarding Children and Young People Code of Conduct.

**CARRIED**

**3.6 BAYSIDE ENVIRONMENTAL SUSTAINABILITY FRAMEWORK 2016-2025 – ANNUAL PROGRESS REPORT**

Environment, Recreation and Infrastructure - Environment  
File No: PSF/21/36 – Doc No: DOC/21/258812

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**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

1. notes the actions taken during 2020–21 to implement the updated Environment Sustainability Framework Action Plan as shown in Attachment 2 attached to the report
2. receives a further report in the first quarter of the 2022–23 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.

**CARRIED**

**3.7 CONTRACT CON/20/55 PROVISION OF FACILITY MAINTENANCE SERVICES CONTRACT**

Environment, Recreation and Infrastructure - City Assets & Projects  
File No: PSF/21/21 – Doc No: DOC/21/258536

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**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr del Porto**

That Council awards CON/20/55 for the Provision of Facilities Maintenance Service Contract to Programmed Facility Management (ABN 66 005 585 811) for the annual sum of \$1,556,468.71 (Ex GST) in accordance with the terms and conditions of the contract documentation.

**CARRIED**

### 3.8 CONTRACT CON/20/80 DENDY STREET BEACH REDEVELOPMENT WORKS

Environment, Recreation and Infrastructure - City Assets & Projects  
File No: PSF/21/20 – Doc No: DOC/21/222240

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*It is recorded that this item was deferred for consideration following item 3.10 on the agenda.*

*It is recorded that Cr Castelli declared a general conflict on interest in this item given her partner owns a bathing box on Dendy Beach and vacated the online meeting prior to the discussion on this item and did not return to the meeting.*

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council:

1. approves a budget increase of \$1,572,123 and confirms an allocation of \$2,000,000 from the hazardous materials reserve
2. awards CONTRACT CON/20/80 Dendy Street Beach Redevelopment Works to Lloyd Group Pty Ltd (ABN 96 069 674 479) for the lump sum price of \$10,862,790 (excl. GST) and \$11,904,069 (including GST)
3. authorises the Chief Executive Officer to sign all necessary documentation related to CONTRACT CON/20/80 Dendy Street Beach Redevelopment Works
4. advises the unsuccessful tenderers accordingly.

The Mayor used his casting vote in favour of the motion, and the motion was **CARRIED**

*It is recorded that Cr Castelli not present at the online meeting during the discussion or when the vote was taken in relation to this item.*

**3.9 CONTRACT CON/21/67 KERB AND CHANNEL RENEWAL PROGRAM  
2021–22 AND 2022–23**

Environment, Recreation and Infrastructure - City Assets & Projects  
File No: PSF/21/20 – Doc No: DOC/21/195071

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**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

1. executes the Deed of Standing Offer under CONTRACT CON/21/67 Annual Kerb and Channel Renewal Program for 2021–22 and 2022–23 with Paper Street Pty Ltd (ABN 81152055359), A and G Concrete Construction Pty Ltd (ABN 95 104 665 189) and Novacon Group Pty Ltd (ABN: 54729963368) for the specified schedule of rates in Confidential Attachment 2
2. authorises the Chief Executive Officer to sign all necessary documentation related to CONTRACT CON/21/67 Annual Kerb and Channel Replacement Program for 2021–22 and 2022–23
3. advises the unsuccessful tenderers accordingly.

**CARRIED**

**3.10 CONTRACT CON/21/68 ROAD RENEWAL PROGRAM 2021–22 AND 2022–23**

Environment, Recreation and Infrastructure - City Assets & Projects  
File No: PSF/21/20 – Doc No: DOC/21/195256

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**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr Martin**

That Council:

1. executes the Deed of Standing Offer under CONTRACT CON/21/68 Annual Road Renewal Program 2021–22 and 2022–23 with Alex Fraser Asphalt Pty Ltd (ABN 60 083 841 963), Prestige Paving Pty Ltd (ABN 84 140 970 912) and RABS Paving Services Pty Ltd (ABN: 60 145 446 939) for the specified schedule of rates in Confidential Attachment 2
2. authorises the Chief Executive Officer to sign all necessary documentation related to CONTRACT CON/21/68 Annual Road Renewal Program 2021–22 and 2022–23
3. advises the unsuccessful tenderers accordingly.

**CARRIED**

*The Mayor declared the meeting closed at 7:35pm*